

AN ACT

relating to providing a victim, guardian of a victim, or close relative of a deceased victim with notice of a plea bargain agreement in certain criminal cases.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsections (a) and (e), Article 26.13, Code of Criminal Procedure, are amended to read as follows:

(a) Prior to accepting a plea of guilty or a plea of nolo contendere, the court shall admonish the defendant of:

(1) the range of the punishment attached to the offense;

(2) the fact that the recommendation of the prosecuting attorney as to punishment is not binding on the court. Provided that the court shall inquire as to the existence of a [any] plea bargain agreement ~~[bargaining agreements]~~ between the state and the defendant and, if ~~[in the event that such]~~ an agreement exists, the court shall inform the defendant whether it will follow or reject the ~~[such]~~ agreement in open court and before any finding on the plea. Should the court reject the ~~[any such]~~ agreement, the defendant shall be permitted to withdraw the defendant's ~~[his]~~ plea of guilty or nolo contendere;

(3) the fact that if the punishment assessed does not exceed the punishment recommended by the prosecutor and agreed to by the defendant and the defendant's ~~[his]~~ attorney, the trial

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1 court must give its permission to the defendant before the
2 defendant [he] may prosecute an appeal on any matter in the case
3 except for those matters raised by written motions filed prior to
4 trial;

5 (4) the fact that if the defendant is not a citizen of
6 the United States of America, a plea of guilty or nolo contendere
7 for the offense charged may result in deportation, the exclusion
8 from admission to this country, or the denial of naturalization
9 under federal law; and

10 (5) the fact that the defendant will be required to
11 meet the registration requirements of Chapter 62, if the defendant
12 is convicted of or placed on deferred adjudication for an offense
13 for which a person is subject to registration under that chapter.

14 (e) Before accepting a plea of guilty or a plea of nolo
15 contendere, the court shall, as applicable in the case:

16 (1) inquire as to whether a victim impact statement
17 has been returned to the attorney representing the state and ask for
18 a copy of the statement if one has been returned; and

19 (2) inquire as to whether the attorney representing
20 the state has given notice of the existence and terms of any plea
21 bargain agreement to the victim, guardian of a victim, or close
22 relative of a deceased victim, as those terms are defined by Article
23 56.01.

24 SECTION 2. Article 56.08, Code of Criminal Procedure, is
25 amended by amending Subsections (b) and (e) and adding Subsection
26 (b-1) to read as follows:

27 (b) If requested by the victim, the attorney representing

1 the state, as far as reasonably practical, shall give to the victim
2 notice of any scheduled court proceedings, changes in that
3 schedule, and the filing of a request for continuance of a trial
4 setting[, ~~and any plea agreements to be presented to the court~~].

5 (b-1) The attorney representing the state, as far as
6 reasonably practical, shall give to the victim, guardian of a
7 victim, or close relative of a deceased victim notice of the
8 existence and terms of any plea bargain agreement to be presented to
9 the court.

10 (e) The brief general statement describing the plea
11 bargaining stage in a criminal trial required by Subsection (a)(1)
12 shall include a statement that:

13 (1) the victim impact statement provided by the
14 victim, guardian of a victim, or close relative of a deceased victim
15 will be considered by the attorney representing the state in
16 entering into the plea bargain agreement; and

17 (2) the judge before accepting the plea bargain
18 agreement is required under Article [~~Section~~] 26.13(e) to ask:

19 (A) whether a victim impact statement has been
20 returned to the attorney; [~~and~~]

21 (B) if a victim impact statement has been
22 returned, for a copy of the statement; and

23 (C) whether the attorney representing the state
24 has given the victim, guardian of a victim, or close relative of a
25 deceased victim notice of the existence and terms of the plea
26 bargain agreement.

27 SECTION 3. (a) The change in law made by this Act applies

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1 only to a plea bargain agreement that is presented to a court on or
2 after the effective date of this Act.

3 (b) A plea bargain agreement that is presented to a court
4 before the effective date of this Act is covered by the law in
5 effect when the agreement was presented, and the former law is
6 continued in effect for that purpose.

7 SECTION 4. This Act takes effect September 1, 2011.

Extra

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David Dewhurst
President of the Senate

Joe Straus
Speaker of the House

I hereby certify that S.B. No. 1010 passed the Senate on April 13, 2011, by the following vote: Yeas 31, Nays 0; May 25, 2011, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 27, 2011, House granted request of the Senate; May 29, 2011, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0.

Daisy Spaw
Secretary of the Senate

I hereby certify that S.B. No. 1010 passed the House, with amendments, on May 23, 2011, by the following vote: Yeas 145, Nays 0, two present not voting; May 27, 2011, House granted request of the Senate for appointment of Conference Committee; May 29, 2011, House adopted Conference Committee Report by the following vote: Yeas 147, Nays 0, one present not voting.

Robert Haney
Chief Clerk of the House

Approved:
17 JUN '11
Date

Rick Perry
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
O'CLOCK
JUN 17 2011
Boyd R. Davis
Secretary of State